IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29/08/2002

CORAM

THE HONOURABLE MR. JUSTICE P.K. MISRA

W.P.NO.10209 of 2001 and W.P.NO. 10210 of 2001 and W.P.NO.10591 OF 2001
and
W.M.P.Nos.14708, 14711 OF 2001 and
WPMP.Nos.16265 & 16266 and
WVMP.Nos.516 & 517 of 2002

1. M. Deepak Chander
2. S. Dhankavithalakshmi
3. V. Senthil
4. Antosh Antony
5. Debabrata Ghosh
6. A. Imthiyas
7. Christopher Felix Fernandez
8. M. Jagadeswaran
9. S. Murugadoss
10. R. Ravi Kishore Kansani
11. R. Senthil Raja
12. M.R. Thaneermalai
13. S. Vijay
14. Srinivas Masttaparthy
II year B.Tech Students,
Bharathiyar College of Engineering
and Technology, Karaikal 609 609. .. Petitioners in
WP.No.10209/01

1. A. Chithambarathanu
2. S.M. Sayed Zayed
3. N. Vijayakumar
4. S. Anand Arulraj
5. Vishnu V. Nair
6. M. Ahamed Kabir
7. G. Kannan
8. M. Kiran Kumar
9. S. Tirupathy
II Year B.Tech students,
Rajiv Gandhi College of
Engineering & Technology,
1, Cuddalore Main Road,
Ariyankuppam, Pondicherry 7. .. Petitioners in
WP.No.10210/01

1. I Soubache

2. Venkata Balakrishna Shastry,P
3. Akella Aditya Phani .. Petitioners in
WP.No.10591/01

-Vs-

1. Pondicherry University,
rep. by its Registrar
R. Venkataraman Nagar,
Kalapet, Pondicherry 605 014.

2. The Controller of Examinations,
Pondicherry University,
Pondicherry 605 014.

3. The Deputy Registrar (ACA.II)
Pondicherry University,
Kalapet, Pondicherry 605 014. .. Respondents in all
the WPs

4. Bharathiyar College of Engineering
and Technology, rep. by its
Principal, Mandapathur Village,
Thiruvetakudi, Karaikkal 609 609. .. 4th respondent in
WP.No.10209/01

5. Rajiv Gandhi College of Engineering
and Technology, rep. by its
Principal, 1 Cuddalore Main Road,
Ariyankuppam, Pondicherry 7. .. 4th respondent in
WP.NO.10210/01

6. Sri Manakula Vinayagar
Engineering College,
rep. by its Principal,
Madagadipet, Pondicherry 605 107. .. 4th respondent in
WP.No.10591/01

Petitions filed under Article 226 of the Constitution of India for the
issuance of Writ of Certiorarified Mandamus as stated therein.

For Petitioner : Mr. Doraisami,
Senior Counsel for
Mrs. Muthumani Doraisami &
Mr. Kandavadivel Doraisami and

M/s.N. Kolandaivelu & G. Ramdas

For Respondents: Mrs. G. Thilagavathi

1 to 3
ForRespondent-4:No Appearance

:COMMON JUDGMENT

All these three writ petitions raise similar questions of law and facts and were heard together and as such are being disposed of by this common judgment.

2. Petitioners were admitted to the II year B.Tech. Course for the academic year 2000-2001 in Bharathiyar College of Engineering and Technology (hereinafter referred to as "College") under Lateral Entry Scheme after completing their Diploma in Engineering. Petitioners were admitted under Management quota and thereafter they were permitted to appear in third semester examinations conducted during December 20 00. Subsequently the petitioners were informed by the College that their admission had been cancelled by the Pondicherry University (hereinafter referred to as "University") on the ground that admission of the petitioners was not in accordance with the norms prescribed by the Centralised Admission Committee, Government of Pondicherry (hereinafter referred to as "CENTAC").

3. It is contended by the petitioners that in the information bulletin for the year 2000-2001, issued by CENTAC, no norms have been prescribed for admission under Lateral Entry Scheme for the II year B. Tech. Course and following the guidelines prescribed by the Department of Technical Education, Government of Tamil Nadu, the College had admitted the students. It has been submitted that the petitioners were not at fault and even assuming that there are violation of some guidelines, the petitioners should not be

victimized by prohibiting them from completing the course. It has been also submitted that before cancelling the admission of the petitioners, no opportunity had been given to the petitioners.

4. Inspite of service of notice , the College has not chosen to enter appearance.

5. The Pondicherry University and its officials, arrayed as respondents 1 to 3, have entered appearance and have filed their counter. It is contended by the University that the College was required to adhere to norms fixed by CENTAC, the Government of Pondicherry as well as All India Council of Technical Education as adopted by the University from time to time. It has been submitted that as per AICTE guidelines "a candidate eligible to seek Lateral entry scheme at the second year / third semester level, must have passed the Diploma in Engineering in the relevant branch with a minimum of 60 percent in the aggregate. Only candidates fulfilling this condition would be eligible for lateral entry to degree programmes. The selection of the candidates will be based on a State level entrance test, the merit ranking in this test being the basis for admission". It has been further submitted that Government of Pondicherry had required the CENTAC to undertake the process of selection by adopting the procedure prescribed for the Government Engineering

College and in the information brochure for the academic year 2000-2001 issued by the Pondicherry Engineering College it has been specifically indicated that students desirous of being admitted to second year on the basis of Lateral Entry scheme must have secured 60 percent in the aggregate and not merely in the last two years of the diploma course.
6. It is relevant to quote the aforesaid provision in the information brochure issued by the Pondicherry Engineering College:

"Admission to Third Semester

Lateral entry for Diploma holders in Engineering is allowed only for residents of Union Territory of Pondicherry at the second year/ third semester level. The selection of candidates shall be based on a separate entrance examination, the merit ranking in this examination being the basis for admission. The minimum qualification for admission is a pass in a three year diploma or four year sandwich diploma course in engineering/technology with a minimum of 60% marks in aggregate."

7. However in the information Brochure issued by the Government of Pondicherry for the year 2000-2001, no specific guideline had been prescribed, but in the Information Brochure for the subsequent year, i.e.2001-2002, for Lateral Entry issued by Government of Pondicherry Centralised Admission Committee it had been indicated in para 2 relating to admission to second year courses for Diploma Holders as follows:

"(A) Minimum qualification for admission

The Minimum qualification for admission is a pass in three year diploma or four year sandwich diploma course in engineering/technology with a minimum of 60% marks in aggregate in the subjects covered in 3 rd to 6th Semesters."

8. It has been submitted by the University that in view of the specific condition indicated in the information brochure published by Pondicherry Engineering College for the year 2000-2001, the students who had not secured 60% marks in aggregate in all the subjects and not merely in the subjects 3rd to 6th semesters of the diploma course were ineligible and therefore the University on discovering such defect, has taken steps to cancel the admission of the concerned students.

9. There is no doubt that for admission to Pondicherry Engineering College, the information brochure had specifically laid down that candidates must secure 60% in aggregate in the diploma course. However, as rightly pointed out by the learned counsel for the petitioner, the condition included in the information brochure for Lateral Entry as published by Government of Pondicherry Centralized Admission Committee for 2000-2001, no specific guideline had been prescribed for the subsequent year. From the information brochure issued by the Government of Pondicherry Centralized Admission Committee for Lateral Entry, it was not indicated that one should have 60% marks in aggregate in all the subjects. Even though information brochure for Pondicherry Engineering College prescribes 60% marks aggregate,

the information brochure issued by the Government of Pondicherry Centralized Admission Committee for Lateral Entry did not specifically prescribe 60% marks in aggregate. Since the admission was on the basis of the information given by Government of Pondicherry which was also applicable to selffinancing colleges, the information brochure relating to particular college, namely Pondicherry Engineering College can not be made applicable to the admission to other colleges.

10. Moreover it appears that for the subsequent year it has been specifically indicated that one should have 60% marks in 3rd to 6th semesters. The very fact that such information has been included in the brochure for the subsequent year may not make it applicable retrospectively to the admissions already made on the basis of the information brochure for lateral entry, but this supports the contention of the petitioner to some extent that in the previous year such procedure had been adopted. It has to be noted that in the information bulletin for the year 2000-2001 issued by CENTAC did not contain any specific guideline regarding minimum marks. On the other hand the information brochure for the year 2001-2002 prescribes minimum marks of 60% in 3rd to 6th semesters. The information applicable to Pondicherry Engineering College was not ipso facto applicable to other colleges. It appears there is justification in the contention of the counsel for the petitioner that the procedure adopted by the Department of Technical Education, Government of Tamil Nadu is adopted for the year 2000-2 001. Moreover, the students having been admitted on the basis of the information submitted by them which was known to the college, they should not be taken to task. It cannot be said the students have mislead the college authorities in any manner. The students having been admitted and appeared in 3rd semester examination, it can be concluded that they had legitimate expectation of completing the course and cancellation of admission even without giving any opportunity of showing cause, was improper.

11. In the meantime pursuant to the interim order passed by this Court, the students had appeared in 4th semester examinations and continuing in the college. It is of course true that the said order was passed without prejudice to the contentions raised. At any rate, the students have been admitted not on the basis of any misleading statement given by them and in the absence of any condition to that effect in the information brochure issued by CENTAC, it would be in the interest of justice to quash the order of cancellation.

12. Learned counsel appearing for the University has submitted that AICTE guideline has indicated that the students should have 60 percent marks in aggregate. Even a reading of the portion already extracted leaves some room for doubt on this aspect as it is not absolute clear as to whether the AICTE insisted upon 60% in all the subjects or only the relevant subjects. It is admitted that the students have more than 60% marks in aggregate in the subjects covered from 3rd to 6 th semesters in the diploma course. Since the conditions had not been made known and the students have completed major portion of the studies, it would not be proper to deprive of their career particularly when the subsequent years prospectus would have made them eligible for the subsequent year.

13. Counsel for the University has further contended that the students were allowed to appear because the College had not provided all the information in time. It has been further submitted that inspite of service of notice, the College has not chosen to justify its action. It is submitted that if the College would have given information from the very beginning, admission of students would have been cancelled even before the appearance at 3rd semester and the College having admitted the students against the Management quota, should not have played hide and seek with CENTAC as well as with the University. This has not been combated by the College and for the mistake of the college, the University has to take steps to cancel the admission and thereafter to defend its action in this Court by incurring avoidable expenditure.

14. For the aforesaid reasons, the writ petitions are allowed and the petitioners are allowed to continue in the college and complete their course and to appear in the examinations. In the peculiar facts and circumstances of the case, I uphold the contention of the petitioners by applying the principle of legitimate expectation. However it is felt necessary to impose cost of Rs.10,000/- (Rupees ten thousand only) on the College which should be paid by the College to the University within a period of six weeks from the date of the order. Consequently, the connected WMPs are closed.

29-08-2002
Index : Yes
Internet : Yes
dpk

To
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Pondicherry University,
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P.K. MISRA, J.

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